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10 Attorneys for Defendant  
11 NATIONAL RAILROAD PASSENGER CORPORATION  
12 D/B/A AMTRAK

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14  
15 IN THE UNITED STATES DISTRICT COURT  
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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13 KEVIN M. THOMPSON,	)	Case No: C 08-03280 CRB
14 Plaintiff,	)	STIPULATION TO CONTINUE
15 v.	)	HEARING ON MOTION TO
16 NATIONAL RAILROAD PASSENGER	)	DISMISS; DECLARATION OF
17 CORPORATION dba AMTRAK	)	<u>COUNSEL; ORDER</u>
18 Defendants.	)	Local Rule 6-2
19	)	

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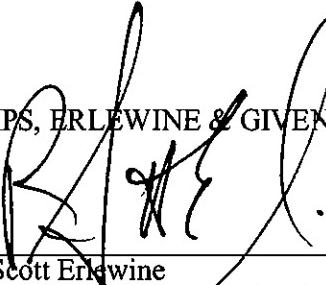
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21 The undersigned parties, by and through their counsel of record, hereby stipulate pursuant  
22 to Local Rule 6-2 that the hearing on the pending motion to dismiss filed by defendant National  
23 Railroad Passenger Corporation d/b/a Amtrak, currently set for February 20, 2009, be continued  
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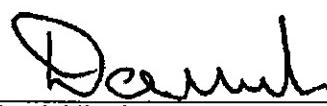
1 to March 27, 2009, with the deadlines to file opposition and reply papers corresponding to the  
2 new hearing date.

3  
4 DATED: January 29, 2009

PHILLIPS, ERLEWINE & GIVEN LLP

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6 By:   
7 R. Scott Erlewine  
8 Attorneys for Defendant National Railroad  
Passenger Corporation, d/b/a Amtrak

9  
10 DATED: January 29, 2009

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Daniel Berko  
12 Attorney for Plaintiff Kevin M Thompson

13 DECLARATION OF COUNSEL

14 R. Scott Erlewine declares:

15 1. I am a partner with Phillips, Erlewine & Given LLP, counsel for defendant  
16 National Railroad Passenger Corporation d/b/a Amtrak ("Amtrak") in this case. The matters  
17 stated in this declaration are based upon my personal knowledge.

18 2. The court has assigned this case to mediation, which is scheduled to occur on  
19 February 23, 2009.

20 3. Amtrak has pending a Motion to Dismiss the Sixth Claim For Relief in plaintiff's  
21 Second Amended Complaint, which is currently scheduled for hearing on February 20, 2009.

22 4. In order to avoid the time and expense of plaintiff having to respond to Amtrak's  
23 pending motion to dismiss prior to the mediation, the parties hereby request that the hearing on  
24 the pending motion be continued to March 27, 2009, with the deadlines to file opposition and  
25 reply papers corresponding to the new hearing date.

26 5. There have been no prior continuances of the hearing on the pending motion to  
27 dismiss.

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1       6. The requested continuance will not affect the scheduling of this case. The court  
2 last week set this matter for trial on November 2, 2009 and set a further case management  
3 conference on April 24, 2009.

4 I declare under penalty of perjury under the laws of the United States of America that the  
5 foregoing is true and correct. 

6 | DATED: January 29, 2009

R. SCOTT ERLEWINE

## ORDER

10 PURSUANT TO STIPULATION, IT IS SO ORDERED. The hearing on defendant's  
11 pending motion to dismiss be and is hereby continued from February 20, 2009 at 10:00 a.m. to  
12 March 27, 2009 at 10:00 a.m. The deadlines to file and serve opposition and reply papers shall  
13 correspond to the new hearing date.

DATED: February 03 , 2009

